

ENTERED

April 09, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JEFFREY C ARCHANGEL,

Plaintiff,

VS.

CITY OF HOUSTON, *et al.*,

Defendants.

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CIVIL ACTION NO. 4:24-CV-03436

ORDER

Before the Court are (1) Defendant City of Houston's (the "City") Motion to Dismiss Pursuant to Rule 12(b)(6) (the "Rule 12(b)(6) Motion") (Doc. #9), (2) the City's Motion to Dismiss Pursuant to Rule 12(b)(1) (the "Rule 12(b)(1) Motion") (Doc. #10), (3) Defendant David J. Crowder's ("Crowder") Motion to Dismiss (Doc. #11), and (4) Defendant Alexander Vinogradov's ("Vinogradov") Motion to Dismiss (Doc. #17).

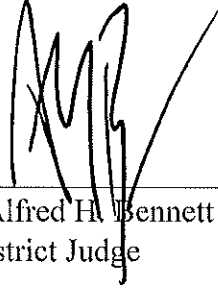
The City, Crowder, and Vinogradov's respective motions seek dismissal of claims asserted in Plaintiff's Original Complaint (Doc. #1) under Rules 12(b)(1) and 12(b)(6). Doc. Nos. 9, 10, 11, 17. However, Plaintiff subsequently filed an Unopposed Motion for Leave to File a First Amended Complaint, which the Court granted. Doc. Nos. 23, 24. Thus, Plaintiff filed the First Amended Complaint, which is the live pleading. Doc. #18. As such, the City, Crowder, and Vinogradov's motions to dismiss the Original Complaint are moot. *See Probado Techs. Corp. v. Smartnet, Inc.*, No. CIVA C-09-349, 2010 WL 918573, at *1 (S.D. Tex. Mar. 12, 2010) ("If an amended complaint does not incorporate the earlier pleading, a court may deny as moot a motion to dismiss that was filed before the operative amended complaint.").

For the foregoing reasons, the City's Rule 12(b)(6) Motion (Doc. #9), the City's Rule 12(b)(1) Motion (Doc. #10), Crowder's Motion to Dismiss (Doc. #11), and Vinogradov's Motion to Dismiss (Doc. #17) are hereby DENIED as MOOT.

It is so ORDERED.

APR 08 2025

Date



The Honorable Alfred H. Bennett
United States District Judge